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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

The Honorable Ronald B. Leighton

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07-CV-05698-ORD

Attorneys for the United States

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA

Plaintiff,

v.

GLEN A. MOREHOUSE, EMMA J.  
MOREHOUSE, RUSSELL BOLEN, CLARK  
COUNTY, CEDAR CREEK PROPERTY  
OWNERS ASSOCIATION, FIRST  
INDEPENDENT BANK, TRANSAMERICA  
INDUSTRIAL LOAN,

Defendants.

Civil No. 07-5698RBL

**STIPULATION BETWEEN THE  
UNITED STATES AND THE CEDAR  
CREEK PROPERTY OWNERS  
ASSOCIATION**

STIPULATION BETWEEN  
UNITED STATES AND THE CEDAR  
CREEK  
(Civ. No. 07-5698RBL)

United States Department of Justice  
P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044-0683  
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1  
2 IT IS HEREBY STIPULATED AND AGREED by the United States of America ("United  
3 States") and the Cedar Creek Property Owners Association ("Cedar Creek") that:

- 4 1. The United States filed this action to foreclose federal tax liens on a parcel of real property  
5 located in Clark County, Washington referred to as the "Amboy Tract" in the United States'  
6 Complaint.<sup>1/</sup>
- 7 2. Pursuant to 26 U.S.C. § 6323(a), the United States filed notices of federal tax lien in the Clark  
8 County Recorder's Office on August 10, 1998 to make its federal tax liens liens against any and  
9 all real property owned by Glen A. Morehouse, including the Amboy Tract, effective against  
10 persons entitled to such notice.
- 11 3. Cedar Creek was named as a defendant solely to fulfill the requirements of 26 U.S.C. § 7403(b)  
12 that "[a]ll persons having liens upon or claiming any interest in the property involved in such  
13 action [to enforce a tax lien] shall be made parties thereto."
- 14 4. Cedar Creek holds a Claim of Lien against the Amboy Tract, executed on April 9, 1999.

15  
16 <sup>1/</sup> The Amboy Tract is legally in the warranty deed conveying the property to Defendants Glen Morehouse,  
Emma Morehouse, and Russell Bolen as follows:

17 The South half of the East half of the South half of the Northwest quarter of  
18 the Southwest quarter of Section 17, Township 5 North, Range 3 East of the  
19 Willamette Meridian, Clark County, Washington and also together with a  
20 quarter of the 1/76 undivided interest in that parcel known as the Northwest  
21 quarter of the Northeast quarter of the Northwest quarter of Section 18,  
Township 4 North, Range 3 East of the Willamette Meridian. TOGETHER  
WITH that certain road easement as described under Auditor's File No. G  
666033. SUBJECT TO easements, restrictions, and road maintenance  
covenants of record.

22 Mr. Ryan believes, however, that the proper legal description of the parcel subject to the  
23 1/76 undivided interest is as follows:

24 The Northwest quarter of the Northeast quarter of the Northwest quarter of  
Section 18, Township 5 North, Range 3 East of the Willamette Meridian.

25 The United States is without knowledge of the proper legal description of the 1/76 undivided  
26 interest.

27 STIPULATION BETWEEN  
UNITED STATES AND CEDAR  
28 CREEK  
(Civ. No. 07-5698RBL)

- 2 -

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- 1 5. Cedar Creek recognizes the superior interest of the United States in the Amboy Tract. The  
2 United States and Cedar Creek agree and stipulate that any proposed order of sale relating to the  
3 Amboy Tract shall include a provision that the net proceeds of sale be applied to satisfy, in whole  
4 or part, the federal income tax liabilities of Mr. Morehouse prior to any distributions to Cedar  
5 Creek satisfy liabilities owing to Cedar Creek that are secured by the Claim of Lien.
- 6 6. Cedar Creek does not oppose the United States' request for an Order of the Court foreclosing the  
7 federal tax liens upon Glen Morehouse's interest in the Amboy Tract.
- 8 7. If a Decree of Foreclosure and Order of Sale is granted, the Court may distribute the net sale  
9 proceeds in accordance with the validity and priority of the claims of the parties, including Cedar  
10 Creek's Claim of Lien.2/

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24 2/ In the event that the subject property is foreclosed on and sold as a result of this action, the allowed costs  
25 and expenses of sale, including any commissions due under 28 U.S.C. § 1921(c) and including an amount  
26 sufficient to cover the costs of any steps taken to secure or maintain the subject property pending sale and  
confirmation by the Court, will be reimbursed to the United States prior to the distribution of the sale  
proceeds.

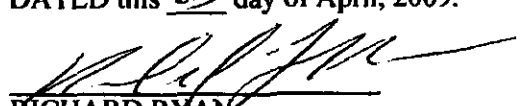
27 STIPULATION BETWEEN  
28 UNITED STATES AND CEDAR  
CREEK  
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1  
2 8. If the United States does not prevail in this action, or if this action is resolved prior to the  
3 foreclosure and sale of the Amboy Tract, this Stipulation shall not affect Cedar Creek's claims, or  
4 release any claim or interest it may have in the Amboy Tract.  
5

6 DATED this 23 day of April, 2009.


JEFFREY C. SULLIVAN  
United States Attorney

7   
8 RICHARD RYAN  
9 President of the Cedar Creek Property Owners  
10 Association  
11 PO Box 221  
12 18010 NE Neer Circle  
13 Amboy, WA 98601

DATED this 30 day of April, 2009.

14   
15 NATHANIEL B. PARKER  
16 Trial Attorney, Tax Division  
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Attorneys for United States

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IT IS SO ORDERED THIS 1<sup>st</sup> DAY OF May, 2009  
  
UNITED STATES DISTRICT COURT JUDGE

STIPULATION BETWEEN  
UNITED STATES AND CEDAR  
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